

1 TRACY HOPE DAVIS
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3 U.S. DEPARTMENT OF JUSTICE
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15 **UNITED STATES BANKRUPTCY COURT**
NORTHERN DISTRICT OF CALIFORNIA

16 In re:) Case No. 13-43929 MEH
17)
18 DANIEL T. MARKS AND NORMA A.) Chapter 7
19 MARKS,)
20) Date: April 24, 2014
21) Time: 10:30 a.m.
22) Place: Room , 13001 Clay Str.,
23) Oakland, CA 94612
24 Debtors.)
25)

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17 **MOTION BY UNITED STATES TRUSTEE**
TO DISMISS CASE FOR ABUSE UNDER 11 U.S.C. § 707(b)(3)

18 Tracy Hope Davis, the United States Trustee for Region 17 ("U.S. Trustee") requests that
19 the Court dismiss this case pursuant to 11 U.S.C. § 707(b)(3) based upon bad faith and the
20 totality of the circumstances.

21 The Motion is supported by the Memorandum of Points and Authorities filed
22 contemporaneously. The U.S. Trustee further requests this Court take judicial notice of the
23 petition, schedules, statement of financial affairs and means test filed with the Court and other
24 Court records.

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1 WHEREFORE, the U.S. Trustee request that the Court dismiss this case pursuant to 11
2 U.S.C. §707(b)(3) and provide such other and further relief as the Court deems just and proper.

3 Date: March 12, 2014

4 TRACY HOPE DAVIS
5 UNITED STATE TRUSTEE

6 /s/Margaret H. McGee /
7 MARGARET H. MCGEE
Trial Attorney
Office of the U.S. Trustee, Oakland Division